

VZCZCXR09403

PP RUEHBC RUEHDE RUEHIHL RUEHKUK

DE RUEHGB #0467/01 0540544

ZNY CCCCC ZZH

P 230544Z FEB 09

FM AMEMBASSY BAGHDAD

TO RUEHC/SECSTATE WASHDC PRIORITY 1831

INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

RHMFIS/HQ USCENTCOM MACDILL AFB FL PRIORITY

RHMFIS/HQ USEUCOM VAIHINGEN GE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000467

SIPDIS

E.O. 12958: DECL: 02/21/2024

TAGS: PGOV IZ

SUBJECT: PRT KIRKUK:KIRKUK'S LOCAL ARTICLE 23 WORKING GROUP MAKES RECOMMENDATIONS TO THE COR

REF: BAGHDAD 305

Classified By: PRT Kirkuk Leader Howard Keegan for reasons 1.4(b) and (d).

¶1. (C) Summary. Kirkuk's Provincial Council Working Group (A23WG), established to address issues related to Article 23 of the Provincial Elections Law, has made a set of recommendations to present to the Council of Representatives (CoR) Article 23 Committee. The A23WG suggested that government positions be distributed equally among the three main ethnic groups (Turkomen, Sunni, Kurd), that authority be delegated to the Governor to handle trespassers and land claims, and that a committee be formed to develop proper demographic figures. In addition, Kirkuk PC decided that the Kurds will take the Governorship, with the PC Chairman likely to go to the Turkomen and the Deputy Governor to the Arabs. Even though the CoR Article 23 Committee has started its work on these same issues, A23WG will continue to meet to fine tune its recommendations to the CoR. End Summary.

¶2. (C) On November 16, with the encouragement of PRT Kirkuk, the PC formed a working group, comprised of PC Coordination Committee members in order to make recommendations on the issues outlined in the Provincial Elections Law Article 23. The A23WG meets every Sunday and Wednesday in PC Chairman Rizgar Ali's office. The agenda, decided by Rizgar, is informal (neither written down nor distributed beforehand), with individual members raising issues that often end up being the topic of discussion for that particular day. Membership varies from meeting to meeting, however a meeting will not be held unless each of the three main ethnic blocs are represented. A23WG initially appeared to take on a parallel role equal to the CoR Article 23 Committee. This changed when the U.N.-sponsored CoR Article 23 Committee held it's first meeting in Kirkuk on February 2. Since the CoR's Article 23 Committee is mandated to make the final recommendations for Article 23, the A23WG has shifted its focus toward broad recommendations on joint administration, demographics, and trespassers.

-----  
JOINT ADMINISTRATION OF THREE COLUMNS  
-----

¶3. (C) The first issue tackled by the A23WG back in November was joint administration in which all blocs agreed on the (32% Kurd, 32% Turkomen, 32% Arab, and 4% Christian)split for administrative positions in government. This was a hold-over from the failed "December 2nd Agreement" (aka Thirteen Point Agreement) signed between the Arabs and Kurds in December 2007 to end the Arab boycott of the PC. There were initial hang-ups over security related positions, especially Iraqi Police (IP), but those were eventually included in this breakdown. The agreed upon strategy, championed by Kurdish PC member Awad Mohammed (Kurdistan Toilers Party), calls for the division of all governmental positions into three equal columns. Each column will have Directorate General (DG)

Positions all the way down to the lowest administrative positions split evenly. For instance, the top level DG Positions will be split into thirds and distributed evenly between the three columns. The next level DG positions will follow suit. This will continue until all governmental positions down to janitors are distributed equally between these three columns. Once the three columns are complete the three main ethnic blocs will negotiate over which bloc receives which column.

-----  
Q-----  
TRESPASSERS - GOVERNOR'S RESPONSIBILITY  
-----

¶4. (C) The second issue tackled by A23WG was populations living and/or working on land that is owned by another entity - trespassers. Article 23 requires the Committee to identify trespassers on properties in Kirkuk &before and after April 9, 2003.<sup>8</sup> Before this date refers to Arabs who took advantage of the previous regime's Arabization policies and received land. Thorny details include the lack of a precise definition of &Arabization,<sup>8</sup> since the previous regime had some land reform laws which on their face involved ethnically-neutral economic redistribution of land, but may have been applied to favor Arabs at the expense of the other ethnicities. The trespasses after April 9, 2003 involve immigration into Kirkuk province induced by the two main Kurdish political parties of Kurds with no prior residence by themselves, parents or grandparents of persons in the province. Documenting a trespass is often difficult given the loss, falsification or destruction of property records necessary to prove such a trespass.

BAGHDAD 00000467 002 OF 003

¶5. (C) On January 21, the A23WG authorized the Governor to deal with the issue. Specifically, it asks the Governor to:  
- issue an official order to cease trespassing activities in the province.  
- send a letter to all Governmental Departments in Kirkuk requiring evidence of trespassing activities on Government lands (including buildings) before and after April 2003.  
- send a letter to the Commission for the Resolution of Real Property Disputes (CRRPD) asking for a list of all property claims submitted to date.  
- make a formal announcement to all citizens via media outlets asking them to submit all claims of trespassing to the CRRPD if they haven't done so already.

The A23WG agreed to submit this solution to the PC for ratification, however to date this has not occurred. It is expected that this issue will be raised at their next meeting with the Article 23 Committee in the form of a recommendation.

-----  
DEMOGRAPHICS - IHEC AND DGs BUY-IN  
-----

¶6. (C) Pending Governor approval, the A23WG plans to establish a PC Committee to work with the Governor, IHEC and all DG's who deal with populations to determine proper demographic figures. This mainly boils down to the question: Who is a legitimate resident of Kirkuk with the right to vote, and who isn't? The Kurds said they want to rely on the status quo (ration cards) to determine who should be able to vote. Whereas the Turkomen and Arabs raised objections, citing fraud and forgery as common practice in Kurdish areas. The Turkomen want to rely on population figures from the UN Oil for Food Program in 2003, and the last national census in ¶1957. The Arabs were content to complain of Kurdish intransigence but did not offer any solutions.

-----  
PC TO DECIDE TOP POSITIONS  
-----

¶7. (C) In accordance with Article 23 Paragraph 1, the Kirkuk PC must decide who would take over the Governor, Deputy Governor and PC Chairman positions. The Kurds moved quickly and announced that they will take the Governor position with PC Chairman Rizgar Ali as their main candidate. The Turkomen bloc, currently the second largest ethnic group on the PC, are well positioned to take over the PC Chairman Position. However the Arabs, largely recognized as having a significantly larger population in the province, could create problems. It is expected that the Turkomen will take the PC Chairman Position and offer a sweetener to the Arabs, possibly giving up a sought after DG position such as the DG of Education or Police Training. The two likely Turkomen PC Chairman candidates are Tahseen Kaheya and Hassan Toran. If the Arabs retain the Deputy Governor position it is expected that current Deputy Governor Rakan Saeed will remain in place.

-----  
A23WG's FUTURE?  
-----

¶8. (C) Even though PC Chair Rizgar Ali announced the A23WG's work is now complete, due to the urging of Rizgar's Advisor Awad Mohammed, it will continue meeting twice a week in an attempt to refine their Article 23 recommendations. In a 15 February PRT meeting, Mohammed stated that the A23WG will now work on finding mechanisms for implementation of the broad points already agreed upon. For instance, his preferred first point of business is to start classifying the DG positions by level of importance so they can be sorted into the three columns previously discussed. Awad stated that the A23WG will work towards signing "little" agreements on specific issues related to Article 23 and present them to the Article 23 Committee for its consideration.

¶9. (C) Comment. Initially, when the A23WG first formed, there seemed to be a real impetus to take the issue of Kirkuk into their hands and come up with a solution for Kirkuk from Kirkuk. This feeling changed after the 02 February visit by the UN-Sponsored CoR Article 23 Committee. Most members of the A23WG felt as though they were snubbed by the Committee, and their work and recommendations were mostly ignored (Reftel). The fact that they are continuing to meet and work on solutions is a victory of sorts and should be encouraged. While the current agreements made by the A23WG are broad in scope and short on specifics, it is hoped that further dialogue will result in useful material for the Article 23 Committee.

BAGHDAD 00000467 003 OF 003

¶10. (C) The move to push the trespasser issue onto the Governor reflects the unwillingness of the Kurds to deal with the difficult issue of enforcing rules to correct Kurdish transgressions. They readily admit that there is a problem, but no one is willing to take the public criticism that goes along with confronting the issue. By dumping this on the &independent8 governor, the Kurdish parties (KDP and PUK) are able to have a scapegoat while ensuring that no action actually happens. In the past, similar issues dumped on the Governor received no support by the Kurdish parties so they withered and died with no action taken. END COMMENT.

BUTENIS